

REMARKS

This Submission is filed in connection with the enclosed Request for Continuing Examination, and is responsive to the rejections set forth in the Final Office Action of June 13, 2011. In the Final Office Action, claims 14, 16, 17, 20 – 23, 25 and 28 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by, or in the alternative under 35 U.S.C. § 103(a) as allegedly obvious over, JP61023106 (“Hoya”). Claims 14, 16, 23 and 25 are being amended. Applicants submit that no new matter has been added. Claims 14, 16, 17, 20 – 23, 25 and 28 remain pending. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

I. Telephonic Interview

Applicants would first like to thank the Examiner for granting Applicants’ representative the telephonic interview on August 4, 2011, and for considering the points raised regarding the differences between Hoya and the claimed invention.

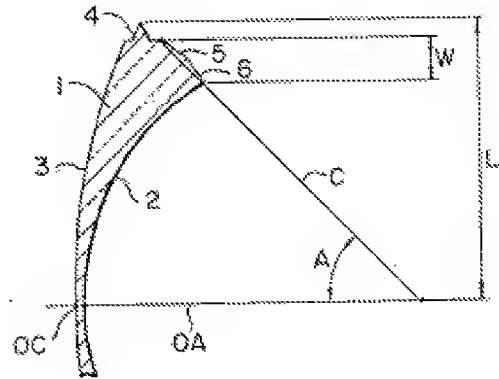
II. Hoya Fails To Teach Or Suggest The Recited Dividing Curve

Applicants submit that Hoya fails to teach or suggest “a dividing curve that connects the penetrating points of outermost peripheral rays to the rear face, and said outermost peripheral rays just barely pass, under indirect vision, through the center of the entrance pupil of the eye,” as recited in claim 1, for example.

Hoya does disclose a “chamfered sectional curved line 6” which separates the chamfered portion 5 from the rear surface 2, as shown in FIG. 1 of Hoya, as reproduced below. See also Hoya, page 2.

* 1 *

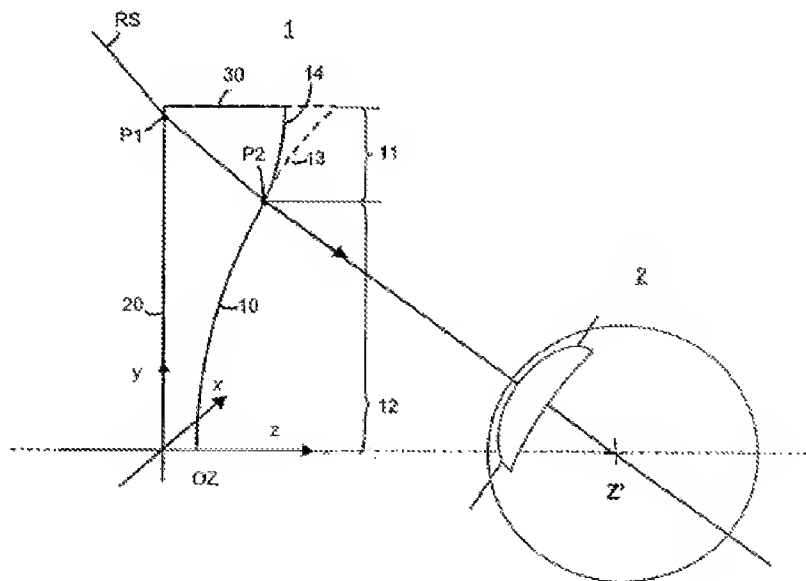
However, unlike the recited “dividing curve” of the pending claims, the “chamfered curved line 6” from Hoya (as shown here -->) does not “connect[] the penetrating points of outermost peripheral rays to the rear face, and said outermost peripheral rays just barely pass, under indirect vision, through the center



of the entrance pupil of the eye.” There is no disclosure in Hoya suggesting that the outermost light rays penetrate the front surface 3 just below the v-shaped portion 4, touch the line 6, and then are somehow projected down to the apex of Angle A.

To further illustrate the point, FIG. 3A from the pending application is reproduced below to show how the dividing line (P2) does in fact define the point at which the outermost peripheral rays (RS) are passed to the center of the eye (Z).

FIG 3A



Therefore, Applicants submit that Hoya fails to teach or suggest the recited “dividing line,” and therefore fails to anticipate or render obvious independent claims 14, 16, 23 or 25.

III. Hoya Fails To Teach Or Suggest A Carrier Rim Region Constructed To Consider Frame Shape or Frame Design

The claims further recite that the “carrier rim region is constructed to consider at least one of a frame shape and a frame design; and individual parameters of the spectacle wearer.” See e.g., Claim 1. The Final Office Action equates the “carrier rim region” of the claims with the “chamfered portion” described in Hoya. However, Applicants have studied Hoya and are unable to find any teaching which corresponds to the above limitations. As such, Applicants believe that Hoya is additionally deficient in this respect.

IV. Hoya Fails To Teach Or Suggest A Carrier Rim Region Disposed On The Rear Surface

The claims further recite that the “carrier rim region” is disposed on the “rear surface.” In the Final Office Action, the “carrier rim region” has been equated with Hoya’s “chamfered portion 5,” while the recited “rear surface” has been equated with Hoya’s concave surface 2. See Hoya, Fig. 1. However, Applicants submit that one skilled in the art would not look at FIG. 1 of Hoya and conclude that the chamfered portion 5 is on surface 2. Rather, the chamfered portion is shown as being on a separate side surface. The text of Hoya’s specification similarly fails to suggest the chamfered portion being part of the surface 2.

As such, Applicants submit that Hoya additionally fails to teach or suggest a “carrier rim region” is disposed on the “rear surface,” as recited in claims 14, 16, 23 and 25.

V. Amendment of Independent Claims

As described above, Applicants believe that Hoya is deficient in several respects, including by failing to teach or suggest a “carrier rim region” being disposed on a “rear face.” However, in order to further clarify the scope of the invention and to further the prosecution of this application, independent claims 14, 16, 23 and 25 each have been amended to further recite that rear face is a “smooth and continuous surface.” Support for this amendment can be found, at least in part, in FIGs. 1, 2 and 3A.

Thus, even if the “chamfered portion 5” of Hoya could somehow be interpreted as being disposed on its rear surface 2, that combined surface could not then reasonably be interpreted as being a “smooth and continuous surface,” as is the case with the “rear face” of the independent claims, as amended.

VI. Reservation of Rights

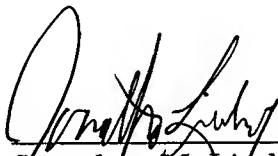
In the interest of clarity and brevity, the Applicants may not have equally addressed every assertion made in the Office Action; however, this does not constitute any admission or acquiescence. Applicants reserve all rights not exercised in connection with this Submission, such as the right to the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicants further reserve the right to pursue all original, previously presented, withdrawn, and cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application. Applicants do not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art.

VII. Conclusion

The Applicant respectfully submits that the application is now in condition for allowance. The Examiner is invited to contact the undersigned should he have any questions. If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket # 100341.58126US).

Respectfully submitted,
CROWELL & MORING LLP

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